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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/788,758	02/27/2004	Larry Casillas	H0002742--1065	8509

7590 03/06/2006
HONEYWELL INTERNATIONAL, INC.
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EXAMINER

BELLAMY, TAMIKO D

ART UNIT	PAPER NUMBER
2856	

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/788,758	CASILLAS ET AL.	
	Examiner	Art Unit	
	Tamiko D. Bellamy	2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-16 and 20 is/are rejected.
- 7) ☒ Claim(s) 7 and 17-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date. <u>3/25/04</u> T.B. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 8-15, 16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over List et al. (3,610,047) in view of Thomsen (2004/004776).

Re claim 1, as depicted in fig. 1, List et al. discloses a collection bag (e.g., plastic bag 11) having an interior and an exterior. As depicted in fig. 1, List et al. discloses the collection bag having a collection opening (12) and an exit. List et al. discloses that the collection bag (e.g., plastic bag 11) receives a gas sample (Col. 2, lines 46-48). As depicted in fig. 1, List et al. discloses tubing (e.g., pipe connection 17) having an upstream end of the tubing (e.g., pipe connection 17) affixed to the exit of the collection bag (e.g., plastic bag 11). **While List et al. does not specifically disclose that the opening (12) of the collection bag (e.g., plastic bag 11) is affixed around the opening of a vent, the device of List et al. discloses that the collection bag (e.g., plastic bag 11) has an opening (12) through which compressed air can be introduced (Col. 2, lines 50-53).** Thomsen discloses in fig. 9, soft duct, which can be connected to an air conditioner vent (e.g., HVAC) (Pars. 109-110). Therefore, to modify List et al. by employing affixing the opening of the collection bag to an air conditioning vent would have been obvious to one of ordinary skill in the art at the time of the invention since

Thomsen teaches an air decontamination device having these design characteristics. The skilled artisan would be motivated to combine the teachings of List et al. and Thomsen since List et al. states that his invention is applicable to gas sampling and Thomsen is directed to air/gas sampling.

Re claim 2, List et al. discloses that the collection bag (e.g., plastic bag 11) has an opening (12) through which compressed air can be introduced (Col. 2, lines 50-53). **List et al. lacks the detail of a means for affixing the collection opening comprising a fastener.** Thomsen discloses in fig. 9, a soft duct, which can be attached/affixed to an air conditioner vent (e.g., HVAC) (Pars. 109-110) via an adapter (68). The adapter (68) is equivalent to a fastener. Therefore, to modify List et al. by employing affixing the opening of the collection bag to an air conditioning vent comprising a fastener would have been obvious to one of ordinary skill in the art at the time of the invention since Thomsen teaches an air decontamination device having these design characteristics. The skilled artisan would be motivated to combine the teachings of List et al. and Thomsen since List et al. states that his invention is applicable to gas sampling and Thomsen is directed to air/gas sampling.

Re claim 3, List et al. discloses that the collection bag (e.g., plastic bag 11) has an opening (12) through which compressed air can be introduced (Col. 2, lines 50-53). **List et al. lacks the detail of a means for affixing the collection opening comprising aluminum tape.** Thomsen discloses in fig. 9, a soft duct, which can be attached/affixed to an air conditioner vent (e.g., HVAC) (Pars. 109-110) via an adapter (68). The adapter (68) is equivalent to aluminum tape. Therefore, to modify List et al. by employing

affixing the opening of the collection bag to an air conditioning vent comprising aluminum tape would have been obvious to one of ordinary skill in the art at the time of the invention since Thomsen teaches an air decontamination device having these design characteristics. The skilled artisan would be motivated to combine the teachings of List et al. and Thomsen since List et al. states that his invention is applicable to gas sampling and Thomsen is directed to air/gas sampling.

Re claim 4, as depicted in fig. 1, List et al. discloses an upstream end of the tubing (e.g., pipe connection 17) is connected to the exit end of a collection bag (e.g., plastic bag 11) via an adapter means **(See the first end portion connected to the collection bag (11) and the second end portion overlaying around the circumference of the tubing (17))**, which provides a substantially airtight seal therebetween.

Re claim 8, as depicted in fig. 1, List et al. discloses a vacuum source (e.g., pump 10) applied to the downstream end of the tubing (e.g., pipe connection 17).

Re claim 9, Re claim 1, as depicted in fig. 1, List et al. discloses a flexible collection bag (e.g., plastic bag 11) having an interior and an exterior. As depicted in fig. 1, List et al. discloses the collection bag having a collection opening (12) and an exit. List et al. discloses that the flexible collection bag (e.g., plastic bag 11) receives a gas sample (Col. 2, lines 46-48). As depicted in fig. 1, List et al. discloses tubing (e.g., pipe connection 17) having an upstream end of the tubing (e.g., pipe connection 17) affixed to the exit of the collection bag (e.g., plastic bag 11). **While List et al. does not specifically disclose a fastener for affixing the collection opening of the collection bag around the opening of an air conditioning vent, List et al. discloses that the**

collection bag (e.g., plastic bag 11) has an opening (12) through which compressed
are can be introduced (Col. 2, lines 50-53). Thomsen discloses in fig. 9, a soft duct,
which can be attached/affixed to an air conditioner vent (e.g., HVAC) (Pars. 109-110) via
an adapter (68). The adapter (68) is equivalent to a fastener. Therefore, to modify List et
al. by employing a fastener that affixes the opening of the collection bag to an air
conditioning vent would have been obvious to one of ordinary skill in the art at the time
of the invention since Thomsen teaches an air decontamination device having theses
design characteristics. The skilled artisan would be motivated to combine the teachings
of List et al. and Thomsen since List et al. states that his invention is applicable to gas
sampling and Thomsen is directed to air/gas sampling.

Re claim 10, List et al. discloses tubing (e.g., pipe connection 17), which
inherently can be made of aluminum tubing. Furthermore, the court held in, In re Leshin,
227 F.2d 197, 125 USPQ 416 (CCPA 1960), that the selection of a known material based
upon its suitability for the intended use is a design consideration within the skill of the
art.

Re claim 11, as depicted in fig. 1, List et al. discloses an upstream end of the
tubing (e.g., pipe connection 17) is connected to the exit end of a collection bag (e.g.,
plastic bag 11) via an adapter means (**See the first end portion connected to the**
collection bag (11) and the second end portion overlaying around the circumference
or the tubing (17)), which is inherently aluminum tape.

Re claim 12, as depicted in fig. 1, List et al. discloses a collection bag (e.g.,
plastic bag 11) having an interior and an exterior. As depicted in fig. 1, List et al.

discloses the collection bag having a collection opening (12) and an exit. **List et al. lacks the detail of a fastener for affixing the collection opening to prevent air from then exterior of the collection, other than air provided by the vent, from entering the interior of the collection bag.** Thomsen discloses in fig. 9, a soft duct, which can be attached/affixed to an air conditioner vent (e.g., HVAC) (Pars. 109-110) via an adapter (68). The adapter (68) is equivalent to a fastener. Thomsen discloses that the duct adapters (68) provide an airtight seal (See Par. 109). Therefore, to modify List et al. by employing a fastener for affixing the opening of the collection bag to an air conditioning vent would have been obvious to one of ordinary skill in the art at the time of the invention since Thomsen teaches an air decontamination device having these design characteristics. The skilled artisan would be motivated to combine the teachings of List et al. and Thomsen since List et al. states that his invention is applicable to gas sampling and Thomsen is directed to air/gas sampling.

Re claim 13, as depicted in fig. 1, List et al. discloses connecting the downstream side of the collection bag (e.g., plastic bag 11) to tubing (e.g., pipe connection 17). List et al. also discloses connecting a sample canister (e.g., analyzer) to the downstream side of the collection bag (e.g., plastic bag 11) (Col. 2, lines 46-51).

Re claims 14 and 15, as depicted in fig. 1, List et al. discloses a collection bag (e.g., plastic bag 11) having an interior and an exterior. As depicted in fig. 1, List et al. discloses the collection bag having a collection opening (12) and an exit. List et al. discloses that the collection bag (e.g., plastic bag 11) receives a gas sample (Col. 2, lines 46-48). As depicted in fig. 1, List et al. discloses tubing (e.g., pipe connection 17) having

an upstream end of the tubing (e.g., pipe connection 17) affixed to the exit of the collection bag (e.g., plastic bag 11). As depicted in fig. 1, List et al. discloses a vacuum source (e.g., pump 10) applied to the downstream end of the tubing (e.g., pipe connection 17). **While List et al. does not specifically disclose that the opening (12) of the collection bag (e.g., plastic bag 11) is affixed around an air conditioner vent, the device of List et al. discloses that the collection bag (e.g., plastic bag 11) has an opening (12) through which compressed air can be introduced (Col. 2, lines 50-53).** Thomsen discloses in fig. 9, soft duct, which can be connected to an air conditioner vent (e.g., HVAC) (Pars. 109-110). Therefore, to modify List et al. by employing affixing the opening of the collection bag to an air conditioning vent would have been obvious to one of ordinary skill in the art at the time of the invention since Thomsen teaches an air decontamination device having these design characteristics. The skilled artisan would be motivated to combine the teachings of List et al. and Thomsen since List et al. states that his invention is applicable to gas sampling and Thomsen is directed to air/gas sampling.

Re claim 16, List et al. discloses adjusting the vacuum, and taking the gas sample after a predetermined time (Col. 2, lines 18-26). The taking of a gas sample after a predetermined time is an indication that the collection bag (e.g., plastic bag 11) is allowed to inflate for a period time and then deflate after a set collection period.

Re claim 20, as depicted in fig. 1, List et al. discloses connecting the downstream side of the collection bag (e.g., plastic bag 11) to tubing (e.g., pipe connection 17). List

Art Unit: 2856

et al. also discloses connecting a sample canister (e.g., analyzer) to the downstream side of the collection bag (e.g., plastic bag 11) (Col. 2, lines 46-51).

3. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over List et al. (3,610,047) in view of Thomsen (2004/004776), as applied to claims 1-4, 8-16, and 20 above, and further in view of Takigawa et al. (JP07035660A).

Re claim 4, the combination of List et al. and Thomsen discloses a collection bag (e.g. plastic bag 11). The combination of List et al. and Thomsen List lacks the detail of the collection bag comprising Teflon or other inert material. Takigawa et al. discloses a collection bag (e.g., collection part 8 consisting of Tedlar bag 81), which is equivalent to an inert material. Therefore, to modify the combination of List et al. by employing a collection bag comprised on an inert material would have been obvious to one of ordinary skill in the art at the time of the invention since Takigawa et al. teaches a gas collecting bag device having theses design characteristics. The skilled artisan would be motivated to combine the teachings of the combination of List et al. and Thomsen List et al. and since the invention is applicable to gas sampling including air/gas collection bag and Takigawa et al. is directed to air/gas collecting bag including an gas/air sampler

Re claim 5, the combination of List et al. and Thomsen discloses a collection bag (e.g. plastic bag 11). The combination of List et al. and Thomsen List lacks the detail of the collection bag comprising Tedlar. Takigawa et al. discloses a collection bag (e.g., collection part 8 consisting of Tedlar bag 81). Therefore, to modify the combination of List et al. by employing a collection bag comprised on an inert material would have been obvious to one of ordinary skill in the art at the time of the invention since Takigawa et

Art Unit: 2856

al. teaches a gas collecting bag device having these design characteristics. The skilled artisan would be motivated to combine the teachings of the combination of List et al. and Thomsen List et al. and since the invention is applicable to gas sampling including air/gas collection bag and Takigawa et al. is directed to air/gas collecting bag including an gas/air sampler

Allowable Subject Matter

4. Claims 7, and 17- 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamiko D. Bellamy whose telephone number is (571) 272-2190. The examiner can normally be reached on Monday - Friday 7:30 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2856

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tamiko Bellamy

T.B.
February 28, 2006

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